

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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FILED

PAUL MOORE,

Plaintiff,

v.

JEFFERIES & CO., INC.,

Defendant.

DECEMBER 28, 2007  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Civil Action No. \_\_\_\_\_

08 C 3

JUDGE MANNING  
MAGISTRATE JUDGE VALDEZ

NOTICE OF REMOVAL

Defendant Jefferies & Co, Inc. ("Jefferies"), by its attorneys and pursuant to 28 U.S.C. § 1441 et seq., hereby gives notice of its removal of this action from the Circuit Court of Cook County, Illinois, and states as follows:

1. Jefferies is a corporation, incorporated in Delaware, and having its principal place of business in New York. (Ex. 2, Declaration of James Daly at ¶ 4; Ex. 3, Excerpt from Jefferies Group, Inc.'s 2006 10K Annual Report.) Jeffries is therefore a citizen of both Delaware and New York. 28 U.S.C. § 1332(c).

2. Plaintiff Paul Moore is a natural person suing on his own behalf. Moore is a resident, domiciliary, and citizen of Illinois. (See Ex. 1, Complaint at ¶ 1, 3); *Julien v. Sarkes Tarzian, Inc.*, 352 F.2d 845, 846 (7th Cir. 1965).

3. On December 14, 2007, attorney James R. Daly of the law firm of Jones Day accepted service of a complaint by Moore against Jeffries. (See Ex. 2 ¶ 3.) The summons and complaint received were dated December 3, 2007. (*Id.*) Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all proceedings received from the state court lawsuit is attached hereto as Exhibit 1.

4. Moore's complaint against Jeffries was filed in the Law Division of the County Department of the Circuit Court of Cook County, Illinois, on December 3, 2007. The matter was assigned Case No. 07-L-13489, and Moore demanded a trial by jury.

5. This action is wholly between citizens of different states, and defendant Jeffries is not a citizen of Illinois.

6. In the complaint, Moore seeks damages in the amount of 15% of \$6,000,000 – that is, \$900,000. (*See Ex. 1, Complaint at ¶¶ 5, 9, 14.*)

7. This matter was commenced within the judicial district of the United States District Court for the Northern District of Illinois.

8. Accordingly, this Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332, and the action is properly subject to removal to this Court pursuant to 28 U.S.C. § 1441(a) & (b).

9. This Notice of Removal is being filed within thirty days after Jefferies' receipt of the summons and complaint, and less than one year from when Moore first commenced this action in the Illinois state court. Accordingly, this Notice of Removal is timely and proper pursuant to 28 U.S.C. § 1446(b).

10. Promptly after filing this Notice of Removal, Jeffries will provide notice of the removal to Moore, through his attorney of record in the state-court action, and to the Clerk of the Circuit Court of Cook County, Illinois, as required by 28 U.S.C. § 1446(d).

11. Pursuant to Fed. R. Civ. P. 81(c), Jeffries will respond to the complaint within five days of the filing of this Notice of Removal, or within such other time period as may be ordered by the Court, and expressly reserves all rights to challenge the complaint on jurisdictional and other grounds.

Dated: December 28, 2007

Respectfully submitted,

/s/ James R. Daly

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Attorneys for Defendant Jefferies & Co., Inc.

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that a copy of the foregoing *Notice of Removal* was served upon the following counsel of record via hand delivery on December 27, 2007:

Bruce S. Sperling  
Greg Shinall  
Matthew Slater  
SPERLING & SLATER, P.C.  
55 W. Monroe St., Suite 3200  
Chicago, Illinois 60603

Dated: December 28, 2007

/s/ Nicole C. Henning

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One of the Attorneys for Defendant Jefferies  
& Co., Inc.